

WILL INSANITY BE DEFENSE OF HARRY THAW?

His Counsel Keep Harping on Question to Jurymen.

ELEVEN MEN ARE NOW IN THE BOX

Prisoner's Mother and Countess of Yarmouth, Both Suffering From Grippe, Did Not Appear in Court Yesterday—Nicol! Not to Testify.

(Special to The Times-Dispatch.)
NEW YORK, January 30.—It is not expected that Mrs. Stanford White or her son will testify in the Thaw murder trial.

Mrs. White is out of the jurisdiction of the district attorney's office, and her friends here say she will remain out of the State until the jury reaches a verdict.

At the present time Mrs. White and her son are in seclusion somewhere in New England.

Mrs. White is said to be in delicate health, having not fully recovered from the nervous effects produced by her husband's death.

District Attorney Jerome has practically abandoned all attempt to serve subpoenas on Mrs. White and her son.

NEW YORK, January 30.—There was but a single vacant chair in the Thaw jury box when court adjourned to-day, and it is expected to-morrow afternoon at the latest, District Attorney Jerome will begin his opening address to a completed jury. Then the defendant, his wife and all the members of his family who are able to be in court, must listen to the story of the roof-garden tragedy, told in all its dramatic detail, and as impressively as lies within the power of the prosecution office to portray it.

The length and breadth of the ground the district attorney will cover has not been disclosed. Just how far back he will delve into the history of the principals in the famous case no one but Mr. Jerome knows. He has not related the plan of his opening address to any one, though it has been intimated authoritatively that the direct evidence of the prosecution will be of the briefest possible character, dealing only with the incidents leading up to the killing and the story of the tragedy itself as seen by eyewitnesses. One or two witnesses may be heard as to alleged motive for the crime. It remains for the defense to open the way to testimony which has to do with any relations which may have existed between Stanford White and Evelyn Nesbit prior to the slaying of the architect.

Thaw's attorneys probably will not reply to Mr. Jerome to-morrow, reserving their opening until the State has finished its case.

Two More Jurors.
Two jurors were added to the trial panel to-day, making eleven in all. In an effort to complete the jury the attorneys exhausted the second special panel of talesmen summoned for the trial. A new panel of 100 was ordered, and will be in court to-morrow. The twelfth juror will be chosen from the new list. Sixty-five talesmen were examined to-day, breaking the record of the trial. The highest number on any previous day was fifty-one. One juror was secured during the morning session and one near the close of the sitting of the court.

Harry C. Brearley, an advertising agent, thirty-five years of age and married, was the first talesman to qualify to-day. He took his place as juror No. 6, the chair made vacant by the dropping of Harold R. Fair from the jury yesterday afternoon. Mr. Brearley told the attorneys for the defense that he had no prejudice whatever against a plea of insanity, and that in judging such a plea he would be guided by the principle of allowing the defendant the advantage of every reasonable doubt.

Insanity the Plea.
The manner in which Thaw's attorneys continued to dwell upon the subject of insanity in their examination of various talesmen seemed to indicate that a plea of temporary insanity, which would be a legal defense, will eventually be tested. Developing this claim that Thaw was insane at the time of the tragedy, the defendant's attorneys may bring in such details as they and the prisoner believe will influence the sympathy of the men who may have an undefined belief in the so-called "unwritten law."

There is much speculation as to what case Mr. Jerome will take. Thaw's counsel begin to develop their plea of temporary insanity.

He is prepared to combat their allegations, but there is a possibility that he may bring the proceedings to an abrupt halt and apply for the appointment of a commission to decide whether or not the defendant is insane at the present time; or he may let the matter be fought out in open court, expert for expert. In that event, the trial will drag out to a great length.

Mother Not Present.

Neither Mrs. William Thaw, the prisoner's mother, nor his sister, the Countess of Yarmouth, were in court to-day. The day opened stormy after a heavy snowfall, and as both Mrs. Thaw and the countess are nursing colds, they decided not to risk their health to-day by being in court during the dull process of selecting a jury.

"Tell the newspaper men," Thaw said to one of his counsel, "that I advised my mother and both my sisters to stay at home to-day and take care of themselves." Mrs. Carnegie disobeyed the

MUST WORK HARD TO-DAY TO BRING SUCCESS TO CAMPAIGN FOR NEW Y. M. C. A. BUILDING

Leaders in Movement to Make Best Use of Little Time.

ENERGY AND HOPE
MARK LAST HOURS

Over \$25,000 Needed, But the Tireless Friends of the Institution Determined to Get the Last Dollar Before They Sleep.

The following amounts indicate the reports made yesterday by the chairmen of the subcommittees of the Young Business Men's and Membership Committees, and the standing of the teams:

| Young Business Men's Committee, N. D. Sills, general chairman— | Jan. 30th. | Totals. |
|--|------------|-------------|
| 8—C. J. Billups..... | \$1,795 00 | \$10,285 50 |
| 2—R. S. Tuck..... | 505 00 | 8,729 00 |
| 10—D. R. Midyette..... | 897 00 | 8,509 00 |
| 3—S. P. Wiley..... | 371 00 | 7,695 00 |
| 1—M. McGuire..... | 1,142 00 | 6,427 85 |
| W. D. Duke..... | 707 00 | 5,929 00 |
| 4—S. W. Meek..... | 110 00 | 5,700 00 |
| 9—G. W. Bahke..... | 600 00 | 5,613 36 |
| 6—H. P. Powell..... | 658 50 | 4,379 50 |
| 5—E. N. Newman..... | 260 00 | 4,134 00 |
| Totals..... | \$7,045 50 | \$67,511 85 |

| Membership Committee, J. D. Lecky, general chairman— | Jan. 30th. | Totals. |
|--|------------|------------|
| A—P. Bryan..... | \$1,120 00 | \$3,482 00 |
| E—George B. White..... | 235 00 | 1,350 00 |
| B—E. W. Lipscomb..... | 260 00 | 1,308 00 |
| C—V. A. Wells..... | 333 00 | 1,227 50 |
| D—J. I. Earp..... | 35 50 | 776 50 |
| F—W. D. Crenshaw..... | 65 00 | 396 00 |
| Totals..... | \$2,048 50 | \$8,540 00 |

Twenty-seven thousand, five hundred and sixty dollars to raise in one day!

This was the situation in the Y. M. C. A. campaign at the close of business last night, and the period of the most feverish interest has been reached in this whirlwind canvass.

There is a general feeling of hopefulness among the workers, which means that while the odds are almost desperate, there is going to be a most strenuous campaign to-day, and possibly far into the night, and no stone will be left unturned to secure the conditional pledge of \$25,000 which expires if the \$25,000 mark is not reached to-day. The old plan of the Legislature may be resorted to of stopping the clock a few minutes before midnight. The canvassing has reached such an intense stage that those who have not contributed, and some who have, may expect to be called from their beds late to-night, to chip in and save the situation.

What Others Have Done.

Mr. Ward gave out figures yesterday from his experience showing that success was not at all impossible. The campaign under his direction in Kansas City raised \$55,000 on the last day, Duluth raised \$40,000 the last day, Denver raised \$38,000 the last day, and Baltimore \$11,000 on the last day of a whirlwind campaign. A great deal of seed has been sown, a great deal of talk has been created throughout the city, and to-day is the last opportunity for the reaping. Those who wish to have a part in this great civic movement, which will react on the character of the city for the next generation, must act, and act quickly, or the opportunity is lost, and it is pushed to the world. Richmond is the first failure in a series of campaigns in the other twenty cities.

All Are Working Hard.

A large number of prominent citizens, members of the various committees and of the board of directors, are giving practically their whole time to the campaign. Mr. O. A. Hawkins, General Secretary, McKee, Mr. D. J. Sands, Mr. W. D. Duke, Mr. N. D. Sills and Mr. James W. Gordon, with an army of assistants and stenographers, have been undying in their efforts, the whole of several hundred headquarters last night far after midnight.

The midday luncheon and reports will be held to-day, as usual, at 1:30, and a bulletin issued showing exactly how the work stands at that time. The whole force of solicitors and all volunteer friends of the work will then go forth for a final wind-up, and will report to the headquarters at night of the office. The committee chairman by phone, and only calling off the workmen when the fund is completed.

The phones at headquarters, Nos. 610 and 611, will no doubt be busy during the day.

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PATHETIC SCENE IN A COURT-ROOM

Mother Weeps Bitterly When Refused the Custody of Her Children.

An affecting scene, one which touched all who witnessed it, was enacted in the Chancery Court yesterday, when that tribunal confirmed the commitment of the three minor children of Walter J. and Mrs. Letitia Mackay to the custody of the Children's Home Society. The children were committed to the care of the society October 4, 1906, by consent of the mother.

Yesterday Walter J. Mackay, by counsel, applied for a writ of habeas corpus to secure custody of the children, and argument was heard on the petition for the writ. The Rev. W. J. Mayhew, Rev. James Buchanan and others testified, and it appeared from the evidence that the commitment was entirely regular, and that the mother of the children had refused to take them into her custody. There was nothing for the court to do, with the evidence before him, but to sustain the Children's Home Society.

When the court's decision was announced the mother wept and sobbed in such a way as to greatly lacerate the feelings of the attorneys and all present.

HOW Y. M. C. A. FUND STANDS

| | |
|---------------------------------|--------------|
| Previously acknowledged, | \$158,100 00 |
| Citizens' Committee, | 4,825 50 |
| Young Business Men's Committee, | 7,045 50 |
| Membership Committee, | 2,049 00 |
| Boys' Committee, | 417 00 |
| Grand total, | \$172,437 00 |

Must Be Raised To-Day, - \$27,440



MAYOR MAKES FINAL APPEAL.

Office of THE MAYOR,
THE CITY HALL,
Richmond, Va., January 31, 1907.

To the People of Richmond:

The Y. M. C. A. building will be worth to this community all, and more, than it costs, if it impresses the truth that the term "Christian young man" means a clean, strong, healthy, vigorous, energetic, industrious, faithful young man; and if it also teaches this community that the term "godly man" is not descriptive of a weakling, but denotes a man of courage, intelligence, capacity, endurance, fidelity and fadeless hope, it will strengthen every church and every faith, and lift this community to a high plane. If it emphasizes the fact that Jesus of Nazareth wrought, and suffered, and spoke, not quite so much with reference to the future, or even to eternity, as to the establishment of His Father's kingdom on EARTH, it will establish, strengthen and advance every human interest and every charity in the land. Therefore, this cause appeals not only to every Christian man, but to every patriot and good citizen. Richmond cannot afford, having entered upon this enterprise, to fail; and this last appeal should stir the generosity, the charity and the manly pride of all the people. I trust that the sun will set this day amidst shouts of triumph, thanksgiving and praise.

"But thou shalt remember the Lord thy God: for it is He that giveth thee power to get wealth."—Deut. viii., 18.

CARLTON MCCARTHY, Mayor.

LYNCH LAW RULES IN PITTSBURG

Negro Only Escapes When the Reserve Police and Firemen Are Called Out.

PITTSBURG, January 30.—C. A. Jackson, a negro, bleeding from many wounds on the head, is locked up in the Central Police Station following an exciting and almost successful attempt to lynch him to-night by a mob of several hundred persons in the heart of the business district.

A number of unknown negroes who tried to protect Jackson were roughly handled by the mob. Several women who were caught in the crush were taken to their homes suffering from nervous shock.

The trouble started when a newsboy asked the negro to buy a paper. Jackson shoved him roughly into the street. The boy threw a stone and struck Jackson on the head, and the negro choked the boy. In a moment several men caught the negro and began to beat him. Some one cried, "Lynch the nigger!" and hundreds of men and boys rushed upon Jackson. Canes, stones, rolled up newspapers and fists were the chief weapons used by the mob. Several other negroes endeavored to protect Jackson. Immediately there were cries of "Lynch them!" and "Kill the niggers!" The infuriated mob caught several of the negroes and bunched their heads against the stone buildings.

Jackson, bleeding and his clothes almost torn off, was temporarily forgotten, and he ran down Fifth Avenue. Somebody cried, "The nigger's escaping!" and several hundred persons took up the chase. Down Fifth Avenue to Liberty Avenue, two blocks, and then down Liberty Avenue to Fifth Street the chase continued. Just below Fifth Street Jackson ran into the arms of several policemen. The officers hurried Jackson into an alley and attempted to hold back the crowd with their night sticks. They were fast losing ground, however, when a force of city firemen came to their aid. The police and firemen guarded the entrance to the alley until the patrol wagon, loaded with officers, responded to a riot call. The crowd was scattered by the free use of night sticks, and Jackson was taken to the Central Station.

B. W. FORD TAKES HIS OWN LIFE

Former Well-Known Richmond Man Shoots Himself in Fit of Despondency.

A telegram received in this city yesterday afternoon announced the suicide in Elizabeth City, N. C., of Mr. B. W. Ford, formerly a well known resident of this city. It appears from the following telegram from Elizabeth City, N. C., that Mr. Ford took his life with a revolver.

"The proprietor of the Southern Hotel discovered to-day at noon that the hotel contained a suicide. B. W. Ford, of Richmond, Va., a tourist, who has been a guest of the Southern for three months, was found dead in his room with a bullet-hole in his head. He was alive at the breakfast hour this morning and partook of a light breakfast. The report of the pistol was not heard, and just when the fatal act occurred was unknown. A letter containing telegrams and money to settle his board bill was found in his room."

Judge Edmund Waddill, of Richmond, is the trustee of his estate. He was a man of means, and apparently of a genial, light-hearted disposition. The cause of the suicide is unknown.

"Mr. Ford left five telegrams to be sent—two to his brother, one to Judge Waddill and others to parties in Baltimore and other places. His brother's message was addressed 'S. H. Ford, Rueger's Hotel, Richmond, Va.'"

Well-Known Man.

Mr. Ford was the eldest surviving son of the late A. J. Ford, a widely known hotel man of this city, who established the Southern Hotel, which still bears his name. He was about forty-one years old. Mr. Ford was manager of the Powhatan Hotel (formerly and now again Ford's) a few years ago, under the proprietorship of Colonel Peyton, but thereafter left Richmond, and had since been employed in various hotels. His last employment, so far as could be ascertained, was as clerk in a Washington hotel.

Mr. Ford was formerly manager of the celebrated Castleman Stock Farm, of Kentucky, of which his father was the owner or lessee, and while there was well known in the racing world. The farm is owned by James R. Keene, and

(Continued on Eighth Page.)

INSURANCE MEN ARE DISCHARGED

One Case Against Messrs. Taylor and Peartree Dismissed and Other Charges Dropped.

After hearing the evidence in the Circuit Court at Cumberland Court-house yesterday afternoon in the case Mrs. D. Sheets against E. A. Taylor and J. A. Peartree, of the American Security and Protective Association, who were charged with having attempted to use their company for fraudulent purposes, Judge George M. Hundley dismissed the case, there not being sufficient evidence to prove conspiracy on the part of the accused.

Mr. Hill Montague, of Richmond, and Judge Asa Watkins, of Farmville, were the attorneys for the defense, and for the prosecution Commonwealth's Attorney Smith had Mr. Justice of Powhatan Courthouse, and Mr. Shelton, of Richmond, to assist him.

Attorney Smith opened the argument on Tuesday and closed yesterday afternoon before 1 o'clock, when Judge Hundley rendered his decision. Only one witness, although there were a number of them, several having gone from Richmond, was examined—Mr. C. G. Taylor, Jr., actuary in the State Department of Insurance. Mr. Taylor had examined the books of the company, and was called as an expert witness. He was put under a fierce fire of questioning by the prosecution, but never flinched, and made an admirable witness for the defense.

Five Indictments.

After hearing the evidence of Mr. Taylor, Judge Hundley took the grounds that there was not sufficient evidence to prove that the accused had conspired together to defraud the people of Virginia, and dismissed the case.

Messrs. Taylor and Peartree were charged under five separate indictments, said Mr. Montague last night; but they were tried only on one, which resulted in acquittal. The remaining four were not prosecuted by the Commonwealth's attorney.

The charges against the officers of the insurance company were sworn out on October 30th. The defense tried to have the case brought up in the last term of the court, but the prosecution was not

(Continued on Eighth Page.)

AUDITORIUM IS ASSURED AT LAST

Conference Committee Recommends Award to Chesterman on His Bid.

The conference committee of the two branches of the City Council, named by the two bodies to endeavor to recommend some plan for the construction of the auditorium, got together last night at 6:20 on a motion to award the contract to Mr. W. A. Chesterman for a building with lobby and benches at his bid of \$14,800.

The committee had disagreed for two hours and a quarter, when Chairman Wood broke away from the deadlock and moved a reconsideration of the vote by which the committee had refused to recommend the award, as stated. Up to that time agreement seemed hopeless, but a ringing statement from Mayor McCarthy and one containing some very striking, not to say startling statements, probably insured the action finally taken.

The report of the committee will be adopted without amendment by the two branches at a special meeting to be held to-night, and work may then begin. There is barely time within which to complete the work before the Southern Baptist Convention and other large bodies will assemble here.

Hard to Reach Agreement.

For a long time the conference committee seemed hopelessly deadlocked. It looked like a case of an irreconcilable force meeting an immovable obstacle; there was plenty of dust and noise, but "nothing doing." This action of Alderman Wood cut the Gordian knot and terminated the deadlock, thereby assuring an auditorium in time for the meeting of the Baptist Convention, the Confederate Reunion, the Episcopal Council and other large assemblies to be held in Richmond during the late spring and summer.

Two hours had been consumed in quibbling by representatives of the two bodies, the three members of the Common Council—Messrs. Mills, Huber and Richards—standing together as one man, while Aldermen Satterfield and Whitte stood as staunchly with Chairman Wood in support of the Board's contention. City Attorney Pollard was called in and an-

(Continued on Seventh Page.)

BOARD REMOVES DR. L. S. FOSTER FROM OFFICE

The Restraining Order of Judge D. Gardner Tyler Is Disregarded.

DR. BRUNK WILL
TAKE CHARGE TO-DAY

Injunction Granted by Judge Scott Restraining Any One From Interfering—Col. Lawless and Dr. Foster Withdraw.

"Resolved, That by virtue of the Constitution of Virginia and the laws of this State, Dr. L. S. Foster be, and he is hereby, removed from the office of Superintendent of the Eastern State Hospital, for neglect of his official duties, the said removal to take effect upon the adjournment sine die of this meeting of this board."

By a vote of seven to nothing, the General State Hospital Board last night adopted the above resolution, after a day of strenuous sessions, in which there were dramatic scenes and much complicated legal procedure.

This resolution was followed by one appointing Dr. O. C. Wright, for the unexpired term, and he will leave here this morning to take charge of the position of superintendent.

Meanwhile an injunction was secured by Mr. Hunton, counsel for the board, from the Circuit Court of the city of Richmond, restraining any and all persons from in any way interfering with Dr. Brunk in the discharge of his duties.

It was a day of court orders and injunctions. When the members assembled at noon to hear the argument of counsel, to their surprise copies of what purported to be a writ of certiorari, issued by Judge D. Gardner Tyler, of Williamsburg, were served upon them, seeking to stop all further proceedings before the board, and ordering the case before him at the April term of his court.

Attorney-General's Views.
Attorney-General Anderson rendered an opinion to the effect that the paper was issued without legal authority, and that the officers and proceedings here were not within the jurisdiction of the Circuit Court of the city of Williamsburg.

This opinion was acted upon by the board, and the case was gone into and passed upon despite the order of Judge Tyler. Colonel Lawless, however, withdrew from the case after a dramatic speech, in which he declared that he did not intend to disregard the order of a court, and taking his cue with him, left on an afternoon train for Norfolk.

Dr. Foster stopped at Williamsburg, and no one can say what will happen there to-day.

Colonel Lawless went to Norfolk, but may be on the ground to-day with another legal surprise to spring.

Other Withdrawals.

But the withdrawal of Colonel Lawless and Dr. Foster did not furnish the only dramatic scene. Colonel Turk and Mr. Bland, who have steadfastly supported Dr. Foster, submitted a paper at the night session setting out their respect for the order of Judge Tyler, and asking to be allowed to retire. They went into the cloak room and took no part in the consideration of the resolutions adopted. In the meantime, however, Colonel Turk had delivered a lengthy speech, in which he defended Dr. Foster and severely criticized some of the official acts of his colleagues on the board.

All the members were present save Dr. O. C. Wright, of Emporia, but only seven of the eleven voted on the removal resolution.

They were Messrs. Osborne, Bohannon, Gilliam, Tredway, Cole, Hansborough and Morgan. They all voted "aye."

Messrs. Bland and Turk were out, and Messrs. Straus and Tallafiero asked to be excused from voting, because they had not heard all the evidence at Williamsburg.

Was Unanimous.

On the resolutions naming Dr. Brunk and a subsequent one commending the mainly action of Dr. J. M. Henderson, first assistant physician, there were nine affirmative votes. Messrs. Bland and Turk still not voting. They returned and participated, however, in the rest of the proceedings.

After Colonel Lawless declared his purpose to retire from further participation in the case, Mr. Hunton said he did not care to argue, but the board voted to remove him. Seven members of the board voted in a strong speech of about an hour, appealing in conclusion for the removal of Dr. Foster, for the reasons set out in the charges, and which, he said, had been fully sustained in most particulars.

Judge Tredway presented most of the resolutions, and was the real leader on the board in favor of removal.

The first sharp division came when the Attorney-General's opinion had been read with reference to Judge Tyler's order.

Judge Tredway offered a resolution to proceed to hear argument, and this provoked a colloquy between himself and Colonel Turk.

The vote on this resolution was 9 to 2. Messrs. Bland and Turk voting "no."

**SURPRISES SPRUNG
BY FOSTER'S LAWYER**

Proceedings of the Board Interrupted by Several During the Day.

After a brief conference at the Richmond Hotel, the board met in the Senate Chamber a few minutes after noon. All the members save Dr. O. C. Wright of Emporia, were present, and State Hospital Commissioner L. W. Laas, Jr., occupied the chair. Hon.